Request for Extension of Clearance Order

Virginia Employment Commission

 To: Puerto Rico North Carolina South Carolina Georgia Florida 	2. Job Order Number: 296369 4. Employer Name: William Whitae	3. Date of acceptance by CNPC:
5. From: Rural Services Manager Virginia Employment Commission P O Box 1358 Richmond, VA 23219	6. OES Job Code, Title ar Available (S positions FARMI	nd Number of Positions
7. Please note the following concerning the above jo The attached H-2A job order has been accepted by U 8. By: (ES Agency Representative)	S. DOL for Interstate Clearance	
8. By: (ES Agency Representative) Jason Padgett	Title: Rural Services Manager	Telephone Number: 804-786-8714
9. Receiving State Office: ("X" one)□ Accepted (If accepted, list local offices extended to)	☐ Rejected (If rejected, provided in the prov	
Comments:		

SHAWNEE CANNING CO.





U.S. Department Labor **Employment and Training Administration**

OMB Control No. 1205-0134 Expiration Date: November 30, 2012

Agricultural and Food Processing Clearance Order ETA Form 790
Pedido de Empleados para Agricultura y Procesamiento de Alimentos

 Employer's Name and Address (Number, Street, City, State, and Zip Code)/ Nombre y Dirección del Empleador (Numero, Calle, Cludad, Estado y Código 	Nos. 4 - 8 for STATE USE ONLY Numeros 4 a 8 para USO ESTATAL			
Postal)	4. Industry Code/Código Industrial	5. Job Order No. /Num.		
WILLIAM L. WHITACRE	13:10:5:11331	de Orden de Empleo		
212 CROSS JUNCTION RD PO Box 657	12/3/4/3/67	296369		
CROSS JUNCTION VA 22625	6 Accupational file and Code citulo	Ocupacional y Código		
	(c) JUN 2012 21 4	5 2092.02		
		Kenwakkfa, Hull		
	RURAL SERVICES	de Tramite		
	RURAL SERVICES	6.18.12		
		e Expiración		
	E08.85 1538	930-12		
	Anticipated Period of Employment / I Empleo	Periodo Antiolpado de		
Telephone number/Telétono: 540-888-3429 Fax:	V/20/	ta: 11/10/12		
2. Location and Direction to Work Site/ Ubicación y Direction al Lugar de Trabajo	10. No. of Workers Requested / Num.	do Trabajadores Solicitados		
212 CROSS JUNCTION RD, CROSS JUNCTION VA 22525	15			
Proceed north on N Cameron St, Turn	11. Anticipated Hours of Work per Wee Trabajo por Semana. Total: 44	k/Horas Anticipadas de		
left on E. Wyck St. turn right on	1	//		
Fairmont Ave, turn left on to Cross	Sunday / Domingo Monday Tuesday / Martes 8 Wednes	iday / Miércoles _B		
Junction	Thursday / Jueves 8 Friday	Wernes 8		
JUNCTION	Saturday / Sábado 4			
	12. Collect Calls Accepted from/ Acep	oten Llamadas por Cobrer		
	de:			
		SI No 🖸		
(if additional space is needed, use separate sheet of paper/ St necesitas más espacio, utilices otra hoja de paper)	Local Office / Officine Local Yes/	SI No Z		
3. Location and Description of Housing / Direction y Descripción de la Viviende				
OLD MILL RD, CROSS JUNCTION VA 22626				
8 MOBLE HOMES WITH A CAPACITY OF 23				
6 MODEL TIONAL				
	•			
The housing is Barracks , single rooms ,				
number of rooms , capacity				
wood frame , block or concrete ,				
floors are concrete , wood -				
(if additional space is needed, use separate sheet of paper / Si necesitas más espacio, utilices otra hoja de papel)				

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3. Board Arrangements / Arregio de Alojamiento	ng Standarde - Workers will he
Housing will be clean and meet the applicable Federal and State Housing responsible for maintaining housing in a neat, clean manner. Reasonable than that caused by normal wear and tear, may be billed to workers four damage to housing or furnishing. Housing and utilities are provided at runable to return to their place of residence the same day. No tenancy in employer-provided housing is created by this arrangement possession and control of the housing premises at all times. Workers placement of this Clearance Order shall vacate the housing promptly upon teacher employer. Employer will not provide 3 meal per day . Employer will provided the and the employer and a day. If meals are not provided then the employer facilities so workers may prepare their own meals. Free transportation agreeds store so workers can purchase their groceries.	note repair cost of damage, other and to have been responsible for no cost to workers who are not. The employer retains rovided housing under the ermination of employment with the 3 meals per day and will furnish free cooking
grocery store so workers samps on the grant grant and	
4. Referral Instructions / Instrucciones sobre cómo Referir Candidatos	
The applicant holding office to refer all able, willing and qualified applications of the applicants can contact the farm directly at the phone numburing normal business hours, 9 am to 4 pm Monday to Friday, to require may chose to mail applications to the address listed in item 1 on this page.	est an interview. Also applicants
15. Job Specifications / Especificaciones del Trabajo	u
Pick fruit from trees and, when necessary use a ladder. The average leads to 24 ft the average weight 50 lbs. Fruit picked must be placed in picking attached to the body with a shoulder harness and weigh between 30-fruit the bags or buckets are to be emptied into field bins by an opening bucket. Workers may be required to pick the entire tree or to spot pick harvest fruit. When using ladders the worker will place the ladder firm secure position so as not to break limbs or knock off fruit and to preve worker's trees will be picked according to instructions given each day Additional harvest related duties may be offered including related task tractors or other harvest related duties. 1 month experience required	50 lbs when full. When filled with g at the bottom of the bag or the fruit. Primary duty will be to ly against or within the tree in a nt slipping and falling. Each by the employer or supervisor.
tractors or other harvest related duties.	
(If more space is needed, summary of Material Job Specifications in ENGLISH osn be included in separate document	nt, and may also be included in SPANISH)
If more space is needed, summary of Material upg openinguous an Error	

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. Unemployme		D DIG MOTKELS ! 1 94	ies proveen herremientax ein costo sin with establishment owners or agen enter 'None') / Enumere todos loe	ts for the psyment of acuerdos o convenio	a commist s hechos (tembalado	con los prop ores. (Si no l	r denems lar dalad piatarlos dal hay ningún adusrdo o
. Unemployme , Workers' co . Are tools prot 2. List any arri to workers. (vided at no charge to angements which (If there are no sur- into o sus agentes dique "Ninguno")	oh arr s para	angemente, el pago de l	el pago de una comisión u otros beneficios po	el pago de una comisión u otros beneficios por ventas nechas a los	el pago de una comisión u otros beneficios por ventes nocios por	been made with establishment owners or agents for the payment of a commission of other been made with establishment owners or agents for the payment of a commission of other angements, enter 'None') / Enumers todos los acuerdos o conventos hechos o los trabajadores. (Si no el pago de una comisión u otros beneficios por ventas hechos e los trabajadores. (Si no el pago de una comisión u otros beneficios por ventas hechos e los trabajadores.

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23. List any strike, work stoppage, slowdown, or interruption of operation by the employees at the place where the workers will be employed. (If there are no such incidents, enter "None") / Enumere toda huelga, paro o interrupción de operaciones de trabajo por parte de los empleados en el lugar de empleo. (Si no hay incidente de este tipo, indique "Ninguno")

none

24. Address of Order Holding Office (include Telephone number/Dirección de 25. Name of Local Office Representative (include direct dial telephone

In Oficina donde se radico la oferta (incluya si número de teléfono)

VA EMPLOYMENT COMMISSION 100 PREMIER PLACE WINCHESTER VA 22602

number) / Nombre del Representanta de la Oficina Local (Incluya el número de teléfono de su linea directe)

WADE WILLIAMS 540-722-3415

26. Employer's Certification: This job order describes the actual terms and conditions of the employment being offered by me and contains all the material terms and conditions of the lob.

Certificación del Empleador. Esta orden de trabajo describe los términos y condiciones del empleo que se la ofrece, y contiane todos los términos y condiciones materiales ofrecidos.

Employer's Signature & Title/ Firms y Titulo del Employerior

READ CAREFULLY, in view of the statutorily established best function of the Employment Service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the State agencies are guaranters of the accuracy or truthfulness of Information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the One-Stop Career Center constitute a contractual job offer to which the One-Stop Career Center, ETA or a State agency is in any way a party.

LEA CON CUIDADO, En viste de la función básica del Servicio de Empleo establecida por ley, como una entidad de intercambilo laboral sin comisiones, sa decir, como un foro para reunir a los empleadores y los solicitantes de empleo, ni ETA ni les agencias del estado pueden garantizar la exactitud o verecidad de la información contenida en las órdenes de trabajo acentedas por los empleadores. Ni ninguna orden de trabajo aceptado o contratado en el Centro de Carreiras (One-Stop Caraer Center) constituyen una oferta de trabajo contractuales a las que el One-Stop Career Center, ETA o un organismo estatal es de ninguna manera una de las partes. Public Burden Statement

The public reporting burden for responding to ETA Form 790, which is required to obtain or retain benefits (44 USC 3501), is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. The public need not respond to this collection of information unless it displays a currently valid OMB Control Number, This is public information and there is no expectation of confidentiality. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Migrant and Seasonal Fermiworker Program, Room 84209, 200 Constitution Avenue, NW, Washington, DC 20210.

ETA Form 790 (Revised Oct. 2010) Previous versions not usable

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FORM ETA 790 AND ETA 9142 ATTACHMENTS *JOB ORDER TO BE PLACED IN CONNECTION WITH A FUTURE APPLICATION FOR TEMPORARY CERTIFICATION FOR H-2A WORKERS.*

The employer assures it will comply with all applicable employment laws, whether federal, state, or local.

A. CLARIFICATIONS OF ITEMS ON FORM ETA 790 AND 9142

Employer requests that its order be granted conditional entry into the Interstate and Intrastate Clearance System. Employer assures that the worker housing will meet the applicable federal standards not later than 30 days in advance, and requests an inspection, of its date of need reflected in the attached ETA 9142 and ETA 790.

The rate is based on: \$9.70 AEWR	Prevailing Wage
Federal or State minimum,	collective bargaining wage.
	With the bottom and the state of the state o

- If piece rate earnings for total hours of work at a piece rate during a pay period do not result in average hourly carnings equal to the guaranteed minimum hourly rate, the worker will receive make up compensation so that the average hourly rate is equal to the guaranteed minimum rate.
- If so requested by the worker in writing, the employer will transfer certain amounts of worker's earnings in a manner consistent with the worker's instructions.
- The employer guarantees to offer employment for a minimum of 3/4 of the workdays of the total specified period during which the work contract and all extensions thereof are in effect, beginning with the first workday after worker's arrival at the place of employment and ending on the expiration date specified in the work contract of extensions thereof. In Act of God terminations, the 3/4 guarantee period ends on the date of termination. Worker is not required to work more than 8 hours per day except when otherwise stated in the job order or on the worker's Sabbath or Federal holidays to meet the guarantee period. This offer will be automatically withdrawn if the worker abandons his or her employment or his or her employment is terminated for cause.
- The employer will provide workers referred through the interstate clearance hours of work for the week beginning with the anticipated date of need, unless employer has amended the date of need by notifying the local office no later than 10 days before the date of need. If employer fails to notify the order holding office, then employer shall pay an eligible worker referred through the clearance system \$ 426.80 for the first week starting with the anticipated date of need. If the worker referred fails to notify the order holding office of

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continued interest in the job no sooner than 9 working days and no less than 5 working days before the date of need the migrant worker will be disqualified from the above mentioned assurance.

f) No tenancy in employer-provided housing is created by this arrangement. The employer retains possession and control of the housing premises at all times. Workers provided housing under the terms of this Clearance Order shall vacate the housing promptly upon termination of employment with the employer.

Item 20- Workers Compensation:

The employer assures that Policy # 100952011 issued by Bullding Industry Insurance Association, inc. provides the required insurance for injuries arising out of and in the course of employment. The employer further guarantees that if the policy ends during this contract period the employer will obtain continued coverage without a lapse in coverage.

B. OTHER CLARIFICATIONS AND ASSURANCES

- 1. The employer agrees to abide, as applicable, by the regulations at 20 C.F.R. § 655.122, 20 C.F.R. § 655.135, and 20 C.F.R. § 653.501.
- 4. Outreach Workers: In accordance with 20 C.F.R. § 653.501, outreach workers shall have reasonable access to the worker in the conduct of outreach activities pursuant to 20 CFR 653.107.
 - 5. Training: The employer will provide 3 days of training for worker to reach quality or production standards, if applicable.
- 6. Wage Statement: The employer will furnish each worker on or before each pay day written statements which, comply with the regulations at 20 CFR 655.122(k).
 - 1) The worker's total earnings for the pay period.
 - 2) The worker's hourly rate and/or piece rate of pay.
 - 3) The hours of employment which have been offered to the worker.
 - 4) The hours actually worked by the worker.
 - 5) An itemization of all deductions made from the worker's wages.

2

- 6) If piece rates are used, the units produced daily.
- 7) Beginning and ending dates of pay period
- 8) Employers name, address, and FEIN
- 7. Production Standards: After completion of training or break-in period, employer will expect worker to:
 - Y For Apple harvesting bu, per hour with no more than 10% bruising.

which is measurable, the level of production shall be not less than 75% of the average output of the employers experienced workers. Lo 1 14 12

- 8. Employer may terminate the employment of any worker for any lawful, non-discriminatory reason, including, but not limited to: (a) insubordination; (b) commits acts of misconduct; or (c) fails, after completing any training period, to reach production or quality standards when applicable. In the event of termination for medical reasons occurring after arrival on the job, or occurring as a result of employment, or in the event of termination resulting from an Act of God, the employer will provide or pay reasonable costs of return transportation and subsistence to the place of recruitment and reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to get to the place of employment. "Reasonable cost" means the cost of the most economical, common-carrier transportation for the locations involved. Subsistence means the cost as established by Department of Labor regulation.
- 9. Worker Agreement: A copy of the contract or this Job Clearance Order will be provided to the worker no later than when the worker applies for their work visa, or, with respect to U.S. workers in corresponding employment, the date such workers commences the corresponding employment.
- 10. Work Authorization Required. All workers hired under this order will be required to provide the documentation needed to complete Form I-9. The acceptable forms of documentation of identity and work authorization are specified on Form I-9.
- 11. Tools and Equipment: The employer will furnish without cost, all tools, supplies or equipment required in the performance of work.
- 12. Transportation to Work: For workers who are provided housing, transportation at no cost to the worker will be provided between the housing and the work site. The transportation provided will be in accordance with applicable laws and regulations.
- 13. Employees who are H2A workers are notified that they are required to leave the U.S. at the end of the period of certified employment, or if separated from employment early, unless the H2A worker is being sponsored by another employer, for a future H2A contract.

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Pursuant to regulations at 20 CFR 655 .122(0), if, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to fire, weather, or other Act of God that makes the fulfillment of the contract impossible, the employer may terminate the work contract. Whether such an event constitutes a contract impossibility will be determined by the CO. In the event of such termination of a contract, the employer must fulfill a three-fourths guarantee for the time that has elapsed from the start of the work contract to the time of its termination, as described in paragraph (i)(l) of this section. The employer must make efforts to transfer the worker to other comparable employment acceptable to the worker, consistent with existing immigration law, as applicable. If such transfer is not affected, the employer must: (1) Return the worker, at the employers expense, to the place from which the worker (disregarding intervening employment) came to work for the employer, or transport the worker to the workers next certified H 2A employer, whichever the worker prefers; (2) Reimburse the worker the full amount of any deductions made from the workers pay by the employer for transportation and subsistence expenses to the place of employment; and (3) Pay the worker for any costs incurred by the worker for transportation and daily subsistence to that employers place of employment. Daily subsistence must be computed as set forth in paragraph (h) of this section. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved.

The amounts the employer will pay for subsistence expenses shall be a minimum of \$11,13 per day and a maximum of \$46.00 per day for workers with documentation of actual expenses.

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SUMMARY OF EMPLOYMENT CONDITIONS SPECIFIED ON JOB ORDER

1. ORDER NUMBER:

296369

2. NAME OF EMPLOYER: William Lee Whitacre

3. LOCATION OF EMPLOYER AND DIRECTIONS:

From Winchester, Rt 522 North 20 miles to right on Rt 695, 1/2 mile on right

PERIOD OF EMPLOYMENT

FROM:

8/20/2012 **To**: <u>10/04/2012</u>

5. WORK SCHEDULE:

8 hours per day, 5 days per week

Plus 4 hours on Saturday

MINIMUM HOURS PER DAY DAYS PER WEEK

5

HOURLY WAGE: 6. PAY:

\$9.70

PIECE RATE:

\$0.67

7. WORK TASKS TO BE PERFORMED:

Harvest fruit from trees using 24 ft. ladders. All Fruit must be picked and handled carefully to avoid bruising for fresh market. Workers may be required to selectively pick according to size and state of maturity of fruit, as instructed by employer or supervisor. Alternate tasks and pay during first week in case of crop delay.

8. TRANSPORTATION PROVIDED:

FROM LABOR CAMP TO WORK SITE: Yes

AND RETURN: Yes

9. HOUSING CAN ACCOMMODATE

PERSONS

INDIVIDUAL

FAMILY

14

10. MEALS:

PROVIDED:

No

IF YES: COST PER DAY

(See item 13 on Job Order)

WORKERS MAY DO THEIR OWN COOKING: Yes

11. DEDUCTIONS:

TYPE	AMOUNT
SOCIAL SECURITY	X
INCOME TAX	X
TRANSPORTATION	None
TOOLS & EQUIPMENT	None
CREWLEADER CHARGES	None

12. NOTES TO WORKERS:

A copy of the full job order is available for inspection in this office. The employer has guarenteed your first week's wages unless he/she notifies this job service of a later starting

date by:

8/8/2011

In order for you to be eligible for this guarentee, you must contact the Job Service at:

SUMARIO DE LAS CONDICIONES DE EMPLEO QUE SON EXPECIFICADAS EN LA ORDEN DE TRABAJO

1. NUMERO DE LA ORDER:

296369

2. NOMBRE DEL EMPLEADOR:

William Lee Whitacre

3. LUGAR Y DIRECCION DEL EMPLEADOR:

De winchester, Rt 522 Norte, 20 millas a la Derecha en Rt 695, 1/2 mile a la derecha

4. PERIODO DE EMPLEO: DEL:

8/20/2012

AI: 10/04/2012

5. HORARIO DE TRABAJO: 8 horas por dia, 5 dias por semana.

Más 4 horas el sábado

MINIMAS HORAS POR DIA NUMERO DE DIAS POR SEMANA

8 5

PAGO: SUELDO POR HORA: \$9.70

PAGA POR UNIDAD:

\$0.67

7. LABORES A DESEMPENAR IN EL TRABAJO:

Piscar fruta de arboles trabajando en escaleras y llevando cubo. Piscar toda o seleccionar siquiendo instructiones del empleador. Labores alternativas y pago por la primera semana en caso do demora en la cosecha. Vea Numero 12 en el Orden.

8. TRANSPORTACION PROVISTA:

DESDE EL ENCAMPAMENTO HASTA EL LUGAR: Si DE TRABAJO Y DE VUELTA: Si

9. VIVIENDA DESPONIBLE PARA

PERSONAS

INDIVIDUOS

FAMILIAS

14

10. COMIDAS:

PROVISTAS:

No

SI SON PROVISTAS, EL COSTO POR DIA SERA

(Vea Num. 13 en la Orden de Trabajo)

LOS TRABAJADORES TIENEN QUE CONCINAR SUS COMIDAS: Si

11. DEDUCCIONES:

CLASE	CANTIDAD	
SEGURO SOCIAL	X	
IMPUESTOS SOBRE INGRESOS	X	
TRANSPORTACION	Nada	
HERRAMIENTAS Y MAQUINARIA		
SUMA COBRADA POR EL CONTRATIST	TA Nada	
DE TRABAJADORES AGRICOLAS	Nada	

12. NOTAS PARA EL TRABAJADOR:

La copia de la orden completa esta disponible en la oficina para su inspection. El empleador da garantizado el pago por su primera semana de empleo a menos que este notifique al Servicio de Empleos que la fecha de comenzar a trabajar sera atrasada, y que tal notification 8/8/2011 sen a mas tardar el:

Para que Ud. Pueda tener derecho a esta garantia de pago, tendra que ponerse en contacto con la Oficina del Servicio de Empleados

Virginia Employment Commission 100 Premier Place Winchester, VA 22602 540 - 722 - 3415

<u>8/9/2011</u> to <u>8/14/2011</u> During the period of:

Any Job Service office will assist you in doing this.

en el:

La Officina de Winchester 100 Premier Place Winchester, VA 22602 540 - 722 - 3415

Durante el periodo el <u>8/9/2011</u> al 8/14/2011 Cualquier Oficina del Servicio de Empleados le asistira en hacerlo.

VIRGINIA EMPLOYMENT COMMISSION COMMUNITY SERVICES FOR FREDERICK & CLARK COUNTY

HEAL	.THCA	RE S	ERVICES	3
CEDV	ICIOS	MÉD	VCOC	

Free Medical Clinic 301 North Cameron Street, Suite 100 TEMPORARIOS

Winchester, VA

Phone: 540-536-1680

Winchester Medical Center 1840 Amherst Street

Winchester, VA

Phone: 540-722-8000

EDUCATION SERVICES SERVICIOS EDUCACION

Frederick County Pubic Schools

1415 Amherst Street

Winchester VA

Phone: 540-662-3888

Clark County Public Schools

309 W. Main Street

Berryville, VA

Phone: 540-955-6102

Winchester City Public Schools

12 N. Washington Street

Winchester, VA 22601

Phone 540-667-4253

Literacy Volunteers 301 N. Cameron Street Winchester, VA

Phone 540-536-1648

THESE AGENCIES MAY PROVIDE TEMPORARY **HOUSING AND MEALS REFUGIO Y ALIMENTO**

The Salvation Army 300 Fort Collier Rd Winchester, VA

Phone: 540-667-4777

Winchester Rescue Mission

301 N. Cameron Street

Winchester, VA

Phone: 540-667-8460

C-CAP

415 N. Cameron Street

Winchester, VA

Phone 540-662-4318

MAY PROVIDE LEGAL **ASSISTANCE TO MIGRANT WORKERS**

AYUDA LEGAL

The VA Justice Center for

Farm and Immigrant Workers

Charlottesville, VA 22902

Phone: 800-763-7323

SOCIAL SERVICES SERVICIOS SOCIALES

Frederick County Social Services

107 N. Kent Street, 3rd Floor

Winchester, VA

Phone: 540-665-5688

THESE AGENCIES ALSO PROVIDE ASSISTANCE **TO WORKERS**

MÁS AGENCIAS DE AYUDA

United States Dept of Justice Immigration & Naturalization

1-800-375-5283

Virginia Dept of Labor Wage & Hour Division

13 South Thirteenth Street

Richmond, VA

Phone: 804-371-2327

Social Services Administration

12 Ricketts Drive

Winchester, VA

Phone: 540-667-1511